

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL A. JACKSON,)
)
Plaintiff,)
v.) No. 3:05-0677
)
DENISE HENDERSON, et al.,) JUDGE ECHOLS
)
Defendant.)

ORDER

Pending before the Court is the Magistrate Judge's Report and Recommendation ("R&R") (Docket Entry No. 37) recommending that this Court treat Plaintiff's "Motion to Dismiss the Department of Children Services State of Tennessee As A Party To His Complaint" (Docket Entry No. 17) as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1), and that the Court dismiss Plaintiff's claims against the State of Tennessee Department of Children's Services. The Department of Children's Services did not file any objections to the R&R or respond to Plaintiff's motion to dismiss; rather, the Department had earlier filed its own "Motion to Dismiss the Complaint" (Docket Entry No. 14).

When no objections to an R&R are made, the Court may accept, reject, or modify the recommended decision in whole or in part, receive further evidence, or recommit the matter to the Magistrate Judge with instructions. Fed.R.Civ.P. 72(b); 28 U.S.C. § 636(b)(1).

Having reviewed the record, the Court finds that the recommendation is appropriate, particularly when the Department of Children's Services has not yet filed an answer or motion for summary judgment. Fed.R.Civ.P. 41(a)(1). Accordingly, the Court rules as follows:

- (1) The R&R is hereby ACCEPTED. (Docket Entry No. 37.)
- (2) Plaintiff's "Motion to Dismiss the Department of Children Services State of Tennessee As A Party To His Complaint" (Docket Entry No. 17) is treated as Plaintiff's notice of voluntary dismissal under Rule 41(a)(1).
- (3) Plaintiff's claims against the State of Tennessee Department of Children's Services are hereby DISMISSED WITHOUT PREJUDICE.
- (4) The Motion to Dismiss (Docket Entry No. 14) filed by the State of Tennessee Department of Children's Services is hereby DENIED AS MOOT.
- (5) This case is returned to the Magistrate Judge for further case management proceedings pursuant to Local Rule 16.01.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE